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JUDICIALLY NOTICED.

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**A DIGEST OF
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WITH

**A SELECTION OF EXTRACTS FROM JUDGMENTS REFERRING TO
SUCH CASES.**

(Founded on Dale and Lehmann's "Digest of Cases Overruled," etc.)

BY

WILLIAM ANDREW GEORGE WOODS

AND

JOHN RITCHIE,

ESQRS., BARRISTERS - AT - LAW.

EXTRACT FROM PREFACE.

THE main object of this work, as stated in the preface to the original edition, is to facilitate the study of Case Law, by presenting to the inquirer, in a form convenient for reference, the history of the various cases that have been adversely discussed or specially considered in the English and other Courts.

Every case, whether it be a case commented upon, or a commenting case, has its date given, and also the Court or judge by whom it was decided.

The precise mode in which each case commented upon has been dealt with in the commenting cases has so far as possible been indicated. With regard to overruled cases the principle has almost invariably been adopted that no case is overruled until a Court has definitely said so.

It is estimated that about 30,000 cases are more or less completely dealt with in this work.

In addition to English cases there are a considerable number of Irish and Scotch cases.

By the aid of the Appendix all cases actually overruled, questioned, or reversed to the end of 1906 have been included, though it has not been found possible to bring all cases dealt with in a less important manner down to that recent date.

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Talbot, George John and Fort (Sir) Hugh

(TALBOT AND FORT'S)
INDEX OF CASES
JUDICIALLY NOTICED.

SECOND EDITION.

BEING

A LIST OF ALL CASES CITED IN JUDGMENTS REPORTED IN
ALL THE REPORTS FROM 1865 TO 1905.

AS ALSO A STATEMENT OF THE MANNER IN WHICH EACH
CASE IS DEALT WITH IN ITS PLACE OF CITATION.

BY

M. R. MEHTA,

OF THE MIDDLE TEMPLE, ESQ., BARRISTER-AT-LAW,
AND ADVOCATE HIGH COURT, CALCUTTA.

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PREFACE.

UNDER a system which gives prominence to judge-made law, few books can be more useful to the legal practitioner than those which guide him through the maze of myriad precedent. No better proof of the utility of "Talbot and Fort's Index of Cases" can be had than the fact that it finds a place on the shelves of every law library. Little apology is then needed for the issue of a new edition of what is now established as a standard work of reference. The efflux of time and the accumulation of judicial decisions since 1890, the date of the last edition, have, if nothing else, necessitated the addition of the data of eighteen years to this book of reference. Developing the plan adopted by the Authors of the book, I have in this edition stated how each case, that has come under the notice or review of the Bench, has been treated—whether followed, over-ruled, distinguished, dissented from, considered, doubted, explained, or interpreted. Every case, I believe, judicially noticed from 1865 to 1905 has been indexed, while those of 1906 and 1907 have been inserted during the progress of the work. I have spared no pains to make the work accurate and

complete, and by giving both the name of the case and the page of the report, any errors that may have crept in can easily be rectified. I shall be greatly obliged if those who detect such errors or omissions will bring them to my notice.

If only this edition prove as useful to those who follow the law as its predecessor, my toil in a laborious task will have been well spent. *Habent sua fata libelli.*

My thanks are due to Mr. A. C. Dutt and Mr. T. R. Phookun, barristers-at-law, for the aid they have given me in the preparation of this work.

M. R. MEHTA.

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ABBREVIATIONS.

Adher. for Adhered.
Adopt. „ Adopted.
Affir. „ Affirmed.
Appl. „ Applied.
Appr. „ Approved.
Com. „ Commented.
Consid. „ Considered.
Dict. „ Dictum.
Disappr. „ Disapproved.
Disc. „ Discussed.

Diss. for Dissented.
Dist. „ Distinguished.
Doubt. „ Doubted.
Exam. „ Examined.
Expl. „ Explained.
Exten. „ Extended.
Fol. „ Followed.
Inappl. „ Inapplicable.
Observ. „ Observed.
Observs. „ Observations.

Obso. for Obsolete.
Over. „ Overruled.
Princ. „ Principle.
Quest. „ Questioned.
Recogn. „ Recognized.
Ref. „ Referred.
Reluc. „ Reluctantly.
Rever. „ Reversed.
Supers. „ Superseded.
Sus. „ Sustained.

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- Fol.* Ecclesiastical Commissioners *v.* Merral, L. R. 4 Ex. 162.
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- Ref.* *Boyd v. Phillpotts*, L. R. 4 A. & E. 324; 6 P. C. 450.

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